

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICARAGE**

In Re: Valsartan, Losartan, And
Irbesartan Products
Liability Litigation

MDL No. 2875
Honorable Robert B. Kugler,
District Court Judge

This Document Relates To:

Judge Joel Schneider
Magistrate Judge

*Jan Roberts, Personal Representative
Of Gaston Roberts, Deceased v.
Zhejiang Hauhai Pharmaceutical,
Co. LTD, et al*
Case No. 1:20-cv-00946-RBK-JS

PLAINTIFF'S MOTION TO FILE AMENDED PLEADING

COMES NOW the Plaintiff in the above-styled case pursuant to Local Rule 15.1 and moves the Court for Leave to Amend the Complaint to substitute the personal representative of Gaston Roberts for Plaintiff Gaston Roberts now deceased. As grounds for said motion, Plaintiff states as follows:

1. Plaintiff filed a Motion to Substitute the party plaintiff on October 5, 2020 [dkt 5]. The Motion to Substitute the party included a Proposed Order granting the substitution of the personal representative in place of deceased Gaston Roberts.

2. Rather than entering the Proposed Order, the Court granted the Motion to Substitute the party plaintiff on December 8, 2020 in a text Order stating "There being no opposition to Plaintiff's Motion and good cause having been shown, it is hereby ORDERED Plaintiff's Motion is GRANTED. Plaintiff shall file the Proposed Amended Complaint by December 15, 2020."

3. Plaintiff's counsel interpreted the Text Order as an Order to file the Proposed Amended Complaint directly without an additional motion. Rule 15.1 provides that an amended pleading can be filed without a motion if excused by the Court. As the Plaintiff had previously filed the Motion to Substitute, Plaintiff's counsel incorrectly misinterpreted the Court's Text Order as excusing the need for a motion to file an amended pleading.

4. The Court struck the Amended Complaint for failure to comply with Local Rule 15.1 on December 16, 2020.

5. Plaintiff's counsel seeks to rectify his error in interpretation by filing this Motion to File an Amended Complaint and attaching a copy of the Proposed Amended Complaint.

6. This motion is not opposed.

WHEREFORE, Plaintiff requests this honorable Court grant this motion to file the Proposed Amended Complaint.

Dated: December 17, 2020

Respectfully submitted,

/s/Don McKenna

Don McKenna

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on December 17, 2020 I electronically filed the foregoing document with the Clerk of Court via the CM/ECF system, which will send notification of such filing to all parties in the action.

/s/Don McKenna
Don McKenna